

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 05 10596 NMG

THOMAS KELLEY,)
Plaintiff,)
)
V.)
)
TOWN OF PLYMOUTH and)
ROBERT J. POMEROY, as Chief of the)
Plymouth Police Department and)
Individually)
Defendants.)
)

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

The defendants, the Town of Plymouth and Robert J. Pomeroy, Individually and as Chief of the Plymouth Police Department, hereby move for summary judgment on the plaintiff's complaint. As grounds, they submit the plaintiff did not qualify for 111F benefits as the plaintiff failed to provide appropriate medical documentation; the plaintiff failed to demonstrate that his medical condition was job-related; the plaintiff was not treated differently than other similarly situated officers, and the plaintiff has otherwise failed to state a claim for relief against them. In support of this motion, the defendants rely on the accompanying memorandum of law which they incorporate herein by this reference.

Wherefore, the defendants respectfully request that the court grant their Motion and enter summary judgment in their favor.

REQUEST FOR ORAL ARGUMENT

The defendants request a hearing on this motion, pursuant to Local Rule 7.1(D), on the ground that oral argument may assist the Court.

Respectfully submitted
The Defendants,
By their attorneys,
Brody, Hardoon, Perkins & Kesten, LLP

/s/ Jeremy Silverfine

Leonard E. Kesten, BBO # 542042
Jeremy I. Silverfine, BBO # 542779
Karen W. Peters, BBO # 658903
One Exeter Plaza
Boston, MA 02116
(617) 880-7100

Dated: July 30, 2007